

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. MANHUA MANDY LIN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 02-CV-3612
	:	
ROHM AND HAAS COMPANY,	:	
	:	
Defendant.	:	

ORDER

_____AND, NOW, this _____ day of _____, 2002, upon consideration of Defendant's Partial Motion to Dismiss and Plaintiff's response thereto, it is hereby ORDERED that Defendant's Motion is GRANTED. It is further ORDERED that:

1. Count VI (defamation) and Count VII (invasion of privacy) of the Amended Complaint are DISMISSED WITH PREJUDICE.
2. Plaintiff's demand for punitive damages and for a jury trial under Counts III and V of the Amended Complaint are DISMISSED WITH PREJUDICE;
3. Plaintiff's demand for attorneys' fees under Count VI (defamation), Count VII (invasion of privacy) and Count VIII (intentional infliction of emotional distress) of the Amended Complaint are DISMISSED WITH PREJUDICE; and
4. All references to the Fourteenth Amendment of the United States Constitution in Count I of the Amended Complaint are STRICKEN.

J.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. MANHUA MANDY LIN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 02-CV-3612
	:	
ROHM AND HAAS COMPANY,	:	
	:	
Defendant.	:	

DEFENDANT'S PARTIAL MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), defendant moves to dismiss and strike portions of the Amended Complaint. Defendant specifically moves to dismiss Count VI (defamation) and Count VII (invasion of privacy/false light) of the Amended Complaint, plaintiff's demand for punitive damages and for a jury trial in Counts III and V of the Amended Complaint, which are claims under the Pennsylvania Human Relations Act, 43 Pa.C.S.A. §955, and plaintiff's request for attorneys' fees under her state law tort claims as presented in Counts VI, VII and VIII of the Amended Complaint. Defendant also moves to strike all references to the Fourteenth Amendment of the United States Constitution in Count I.

Defendant incorporates herein the accompanying Memorandum of Law as support for the Motion. For any and all of the reasons presented therein, the Court should grant this motion.

Respectfully submitted,

/s/ *Raymond A. Kresge*

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Attorneys for Defendant

CERTIFICATE OF SERVICE

_____ I hereby certify that on this 15th day of October 2002, I caused to be served a true and correct copy of the foregoing Defendant's Partial Motion to Dismiss and Supporting Memorandum of Law by first-class mail, postage prepaid upon plaintiff's counsel:

Hugh J. Hutchinson
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/s/ *Raymond A. Kresge*
RAYMOND A. KRESGE